POLICY STATEMENT

Subject: IUP Community Standards Policy	
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Originating Office: Dean of Students	**President's Approval:** Michael A. Driscoll
Distribution Code: A and All Students	December 16, 2022

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A. Introduction

The Indiana University of Pennsylvania community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The Office of Community Standards within the Division of Student Affairs is charged with administering an educational and developmental community standards process that is based upon the mission, vision, goals, and values of IUP.

Student members of the community are expected to uphold and abide by certain community standards. Each member of the Indiana University of Pennsylvania community bears responsibility for their own behavior.

The community standards process is not intended to punish students. Sanctions and restorative measures are intended to help students bring their behavior into accord with our community expectations.

All allegations of Sexual Misconduct are adjudicated under the Sexual Discrimination and Sexual Misconduct Policy. Likewise, other distinct policies that address specific issues are adjudicated as it is stated in that policy. Such policies include but are not limited to the Academic Integrity Policy, Anti-Hazing Policy, Alcohol and Drug Policy, and policies and regulations included in the Undergraduate and Graduate catalogs. Other policies may be adopted by the University or the Board of Governors from time to time and are effective at the time of adoption.

Please consult the IUP website at https://www.iup.edu/studentaffairs/student-policy-index-a-z/ for a full list of applicable policies.

Students should be aware that the community standards process is different from criminal and civil court proceedings. Procedures and rights in the community standards process do not include the same protections of due process afforded by the courts.

B. Definitions

1. Adjudication – the process by which the University conducts disciplinary meetings, hearings, or other actions, bringing matters to resolution.
2. Advisor – any person who advises a student or student organization regarding University policies or procedures. An advisor is not permitted to represent the student at any time.
3. Appeal – the method by which due process and/or a decision can be challenged. All appeals must be submitted in writing to the Office of Community Standards and may only be considered if it is in accordance with the IUP Community Standards Policy.
4. Appeal Review Officer- designee of the Vice President for Student Affairs to review an appeal.
5. Complaint – written or electronic statement or report provided by any person to the Office of Community Standards. Not all complaints result in incident reports or adjudication through the community standards process.
6. Complainant – a person, persons, or student organization who submits a report alleging that a student or student organization violated University rules, regulations, or policies.
7. Community Standards Board – a panel of individuals made up of students, faculty, and staff empowered to adjudicate any allegation of violation of University policies, rules, or regulations.
8. Community Standards Process – inclusive of all processes for students or student organizations from the time information is received by the Office of Community Standards for adjudication through the conclusion of the appeal process in accordance with University policy.
9. Convener – Director of Community Standards (or designee) responsible for logistics and procedures associated with the community standards process; the convener may simultaneously serve as a hearing officer.
10. Deliberation – private meeting by a hearing officer or board and the convener to render a determination on whether a violation of IUP policy occurred and the sanction to issue (if applicable).
11. Disciplinary Record – the record of a community standards process and its findings. All disciplinary records are considered educational records as defined by the Family Educational Rights and Privacy Act (FERPA).
12. Hearing Officer – any University faculty, staff, or student who has been appointed to a community standards decision-making role by the Vice President for Student Affairs and has been trained through the Office of Community Standards.
13. Incident Report – a complaint that is filed with and reviewed by the Office of Community Standards and may be adjudicated through the community standards process.
14. Organization – organizations that include, but are not limited to, any of the following: a fraternity, sorority, association, corporation, order, society, corps, teams, club or service, social/academic or similar group, whose members are students of the University. University employees or volunteers who act as sponsors, counselors, advocates or advisors of any organization, as defined, are also members.
15. Preponderance of Evidence – the standard in determining if a student or student organization is responsible for a violation. The University must show that it is “more likely than not” that the alleged behavior occurred and was in violation of an IUP policy, rule, or regulation.
16. Respondent – a student or student organization that has been accused, informally or through an incident report, of violating University rules, regulations, or policies.
17. Sanction – requirements set forth upon a finding or individual/organizational acceptance of

responsibility for a violation of University rules, regulations, or policies through the community standards process.

18. Student – any person who has applied to or enrolled at the University in any of its courses, programs, campuses, or offerings, including, but not limited to, cooperative programs or offerings with other institutions for whom a record is made at the University by the registrar or which is submitted to the University for admission or transfer credit, or during periods between semesters when the person is expecting to attend the subsequent regular semester (Fall or Spring).
19. University – Indiana University of Pennsylvania and any of its centers or sites where it operates.
20. University Premises – all buildings or grounds owned, leased, operated, controlled, or supervised by the University or its affiliates, e.g., Student Cooperative Association ("Co-Op"), the Foundation for IUP, or other such organizations with which IUP enters or has entered into an affiliate relationship.
21. Witness – any person who has information relevant to an alleged incident.

C. Authority

The Vice President for Student Affairs is vested with the authority over student discipline by the President and the Council of Trustees as established by the Board of Governors' of the Pennsylvania State System of Higher Education. The Vice President for Student Affairs appoints the Dean of Students to oversee and manage the community standards process. The Vice President for Student Affairs and the Dean of Students may appoint administrative hearing officers and members of boards as deemed necessary to efficiently and effectively facilitate the community standards process.

The Director of Community Standards (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit. This may be delegated or assumed by the University Police for any suspected criminal activity.

Students at the Indiana University of Pennsylvania are annually provided a link to the IUP Community Standards Policy on the Indiana University of Pennsylvania website. Hard copies are available upon request from the Office of Community Standards. Students are responsible for having read and abiding by the provisions of the *Community Standards Policy*.

D. Jurisdiction

The *Community Standards Policy* and the community standards process apply to the behavior of individual students, both undergraduate and graduate.

Indiana University of Pennsylvania retains jurisdiction under the Community Standards Policy over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to reenroll or to obtain official transcripts and/or graduate. All sanctions must be satisfied prior to reenrollment eligibility or reinstatement of the degree. In the event of a charge of serious misconduct allegedly committed while still enrolled but reported after the accused student has graduated, Indiana University of Pennsylvania may invoke these procedures and, should the former student be found responsible, Indiana University of Pennsylvania may revoke that student's degree and block the release of transcripts.

The *Community Standards Policy* applies to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus when the Director of Community Standards or

designee determines that the off-campus conduct affects a substantial Indiana University of Pennsylvania interest. A substantial Indiana University of Pennsylvania interest is defined to include:

- Any situation where it appears that the student's behavior may present a danger or threat to the health or safety of the University Community; and/or

- Any situation that significantly impinges upon the rights, property, or education of the University Community or significantly breaches of the peace and/or causes social disorder; and/or

- Any situation that is detrimental to the educational mission and/or interests of the University.

Students may be adjudicated for engaging in conduct that violates federal, state, or local law whether such conduct takes place on campus or off campus or whether civil or criminal penalties may also be imposed for such conduct. A violation of this policy is not predicated upon a final determination by a court of law. In other words, it is not necessary for a student to have been found to have violated a federal, state, or local law by a court of law to be disciplined under the Community Standards Policy. It is only necessary that a student is found responsible for violations adjudicated consistent with the process set forth in the Community Standards Policy.

The University fully recognizes the right of all students to seek knowledge, debate, and freely express their ideas. Discourse and disagreement are fundamental components of any academic endeavor and students will not be subject to disciplinary action for their lawful expression of ideas. A student retains the rights, protection, guarantees, and responsibilities which are held by all citizens. The University Community Standards system does not eclipse, in intention or application, the constitutional rights and guarantees of students.

The *Community Standards Policy* may be applied to conduct that occurs online, via email, or any other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, social networking sites, as well as media yet to be developed, are in the public sphere and are not private. These postings can subject a student to allegations of standards violations if evidence of policy violations is posted online. Indiana University of Pennsylvania does not seek out this information but may act if and when such information is brought to the attention of Indiana University of Pennsylvania officials.

The *Community Standards Policy* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Indiana University of Pennsylvania may seek resolution of violations of the *Community Standards Policy* committed against them by student members of the Indiana University of Pennsylvania community.

There is no time limit on reporting violations of the *Community Standards Policy*; however, the longer someone waits to report an offense, the harder it becomes for Indiana University of Pennsylvania officials to obtain information and witness statements and to make determinations regarding alleged violations.

Indiana University of Pennsylvania email is the University's primary means of communication with students. Students are responsible for all communication delivered to their Indiana University of Pennsylvania email address and to respond as required or requested.

E. Student Accommodations

Any student with a disability involved in the community standards process has the right to request a reasonable accommodation to ensure their full and equal participation. The Office of Community Standards will coordinate appropriate services through the Department for Disability Access and Advising (D^2A^2). Accommodations are determined on an individual basis by D^2A^2 staff based upon appropriate documentation and consultation with the student.

F. Community Standards

Indiana University of Pennsylvania considers the conduct described in the following subsections as inappropriate for the IUP community and in opposition to the core values set forth by the University. Indiana University of Pennsylvania encourages community members to report to University officials all incidents that involve the conduct described below.

1. Alcohol

a. Possession On-Campus - Possession of alcoholic beverages on university premises or facilities except as provided in the University Alcohol Policy.

b. Possession Off-Campus - Illegal possession of alcoholic beverages off campus including, but not limited to, underage possession of alcohol and public possession of an open container.

c. Consumption On-Campus - Consumption of alcohol on University premises or facilities except as provided in the University Alcohol Policy.

d. Consumption Off-Campus – Illegal consumption of alcohol off campus.

e. Driving Under the Influence - Operating a motor vehicle while unlawfully intoxicated.

f. Sharing, Furnishing, and/or Distributing Alcohol - Sharing, furnishing, and/or distributing alcohol by persons of any age to persons under the age of twenty-one, including, but not limited to: charging admission to or using organizational funds for a social event where alcohol is served, hosting or organizing a social gathering where persons under the age of twenty-one consume alcohol, and/or providing alcohol. This would include collecting money from people before, during, or after an event which was used to fund or partially fund an event at which alcohol was served or available.

2. Drugs /Controlled Substances

a. Paraphernalia - The possession of any equipment, product, or material of any kind containing evidence of or primarily intended for use with any drug and/or controlled substance prohibited by federal or state laws.

b. Possession of Drugs and/or Controlled Substances - The possession of any drug or controlled substance prohibited by federal or state law.

c. Use of Drugs and/or Controlled Substances - The use of any drug or controlled substance prohibited by federal or state law.

d. Sharing, Furnishing, and/or Distributing Drugs and/or Controlled Substances - Manufacturing, producing, selling, furnishing, exchanging, or otherwise distributing drugs or controlled substances prohibited by federal or state law.

e. Misuse of Medications or Other Substances - Misuse of over-the-counter medications, prescriptions, and/or other legal materials or substances, creating a potential danger to self or others.

f. Driving Under the Influence - Operating a motor vehicle while under the influence of drugs and/or controlled substances.

3. Harmful Conduct and Harassment

a. Physical Violence - using force with the intent or effect to cause harm. This includes the use of any weapon or other means that might cause bodily harm.

b. Threatening Conduct - Intimidating actions or behavior with the intent or effect to cause alarm or fear of harm to another individual, group, or entity.

c. Coercion - Conduct, actions, or implied threats that would compel with unreasonable pressure a reasonable person to engage in an unwanted activity.

d. Harassment - Engaging in conduct that is repeated, severe, or pervasive and objectively offensive. This includes conduct involving electronic communication.

e. Stalking - A pattern of conduct directed at another person including (but not limited to) following, monitoring, observing, surveilling, communicating to or about a person, or interfering with a person's property with the intent and/or effect to cause a reasonable person to be afraid for his or her safety or suffer substantial emotional distress. Stalking may be direct, indirect, or through third parties and may be accomplished by any action, method, device, or means. This includes cyberstalking: a form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

f. Retaliation - Actions, threats, or other adverse action taken against any person in response to that person's participation in or involvement with the community standards process.

g. Intrusion of Privacy - Unreasonably invading the private domain or seclusion of another individual, group, or entity by any means when such individual, group, or entity has a reasonable expectation of privacy.

h. Disorderly Behavior - Conduct which is disorderly, disruptive, or interferes with orderly University operations and/or behavior disruptions which infringe upon other students' rights to the fair use of their contracted housing or other University sanctioned activities or amenities.

i. Dishonesty/Fraud - Dishonest or fraudulent behavior, such as forgery, alteration, or misuse of documents, records, or identification (including but not limited to I-cards, credit cards, debit cards, pin numbers, and/or computer usernames/passwords), or knowingly furnishing false information to University or Co-op officials.

j. Unlawful Discrimination - Discrimination based on another person's race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, veteran status, or disability.

4. Community Safety

a. General Safety - Tampering with safety devices including, but not limited to: alarm systems, fire extinguishers, exit signs, smoke/heat/particle detectors, fire hoses, sprinklers, or fire-fighting equipment. Failure to conform to safety regulations including, but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely manner in emergency situations or in response to alarms, or inappropriate use of the fire alarm or emergency call device or system.

b. Arson - Illegally setting, attempting to set, creating, or causing a fire.

c. Weapons/Explosives - Possession and/or use of any weapon, which is an object used to inflict a wound or cause injury or harm. Examples of weapons include, but are not limited to, firearms, ammunition, knives, swords, nun chucks, stun guns, BB guns, paintball guns, look-alike weapons, explosives, fireworks, unsecured compressed air cylinders, or dangerous chemicals, except as authorized for use in class, in connection with University-sponsored research, or in another approved activity (provisions may be made to store firearms with the University Police).

5. Property

a. Theft - Theft or other unauthorized possession of University property or the property of

any individual, group, or entity.

b. Destruction/Damage - Destruction and/or damage to University property or to the property of any individual, group, or entity.

c. Attempted/Completed Entry - Attempted or completed entry into or use of University or Co-op facilities or property or the property of any individual, group, or entity without authorization.

6. Noncompliance

a. University Official - Failure to comply with a directive from or to meet with an authorized University or Student Cooperative Association official acting in the performance of their duties or with the direction from any person responsible for a facility or registered function including providing identification when requested to do so. The University officials referenced above must identify themselves.

b. Contractual Obligations - Failure to honor all contracts with and debts to the University including terms and conditions of living in University-owned/operated housing and/or the Student Cooperative Association.

c. Community Standards Sanction - Failure to fulfill any sanction levied as a result of community standards, academic integrity, or student organization proceeding.

d. University Space - Failure to abide by all policies and regulations governing the use of University space or the registration of all University events.

7. Complicity

Active association with or active encouragement of another person or persons whose conduct is in violation of any of the Community Standards Policy and Procedures, University policy, or applicable laws.

8. Other

Any alleged violation of federal, state, or local laws, regulations, or ordinances and other University policies and regulations, the University catalog, and other official University publications either printed or published on the University website.

G. Overview of the Community Standards Process

This overview gives a general idea of how the IUP community standards proceedings work, but it should be noted that not all situations are of the same severity or complexity. The procedures are flexible and are not the same in every situation, though consistency in similar situations is a priority. The student disciplinary process and all applicable timelines commence with written notice from the Office of Community Standards or as appropriate, the Office of Social Equity/Title IX, of a potential violation of Indiana University of Pennsylvania rules and regulations.

Notice: Once an allegation is received from any source, the Office of Community Standards or the Office of Social Equity/Title IX may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the community standards process and gather information

Evidence: Different types of information may be presented during an investigation or during a hearing. This information may include direct evidence, which is based on personal observation or experience. Evidence may be circumstantial, which is information that does not include an eyewitness to the actual event but does include enough information to lead a reasonable person

to the conclusion that the individual did what he/she is alleged to have done. Evidence may include documents, which includes supportive writings or statements, reports, etc., that support or deny a fact at issue. Evidence may also be secondhand or "hearsay" evidence. While it is acceptable for the adjudicator to consider and hear relevant second-hand information, hearsay evidence may not be the only evidence used to establish responsibility in a case.

The University is not bound by formal rules of evidence; however, evidence shall be inherently reliable. Evidence or information that may not be admissible in a court of law may be admissible in a hearing or as part of an investigation. It is up to the adjudicator to decide what information is admissible as part of a hearing. It is up to the adjudicator to decide the credibility and relevance of information and the weight that they will assign to that information.

Standard of Proof: The standard of proof describes the level of proof that must be met to find a respondent responsible for a violation. The University uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. This standard is lower than the standard required in a criminal proceeding. University resolution proceedings are conducted to consider the totality of all evidence available and from all relevant sources. There may be strong, definitive evidence presented to persuade the adjudicator that the respondent did or did not violate a section of this or other University policy. There may also be ambiguities and contradictions which require the adjudicator to decide whom they determine more credible. An individual is not considered to be "responsible" for any allegations until the completion of the process determines that it is more likely than not that the alleged violation of this policy occurred.

Burden of Proof: The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of the University to satisfy the burden of proof. The respondent does not have the burden to prove that a violation did not occur. A respondent may decide not to share their side of the story or may decide not to participate in the hearing or an investigation. None of these decisions shifts the burden of proof away from the University and does not indicate responsibility nor will it result in increased sanctions if the respondent is found responsible for the accusations.

1. Incident Review Meeting

IUP conducts a preliminary inquiry into the nature of the incident, complaint, or notice, the evidence available, and the parties and witnesses involved. When an Incident Review Meeting is held, the possible outcomes include:

- A decision not to pursue the allegation based on a lack of or insufficient evidence because the behavior alleged even if proven would not violate the Community Standards Policy. The matter will be closed, and records will so indicate;
- An admission of or an uncontested decision on the allegation;
- A decision to proceed with a formal resolution.

If a decision on the allegation is made and the finding is that the respondent is not responsible for violating the Code, the process will end.

If the finding is that the respondent is in violation, and the respondent accepts this finding the administrator conducting the incident review meeting will then determine the sanction(s) for the misconduct, which the respondent may accept or reject. If accepted, the process ends.

If the respondent accepts the findings but rejects the sanction, the Office of Community Standards will conduct a sanction-only hearing, conducted by a hearing officer or board, which determines a sanction. The sanction is then subject to appeal (see *Appeal Review Procedures* on page 19 below). Once the appeal is decided, the process ends.

If the administrator conducting the incident review meeting determines that it is more likely than not that the respondent is in violation, and the respondent student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to a formal hearing.

2. Formal Hearing

In a contested allegation, a hearing may be held when there is reasonable cause to believe that a University Community Standards Policy provision has been violated. No complaint will be forwarded for a hearing unless there is reasonable cause to believe a Community Standards Policy provision may have been violated. Reasonable cause is defined as some credible information to support each element of the offense of the alleged Community Standards Policy provision, even if that information is merely a credible witness or a complainant's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing. A formal notice of the complaint will be issued, and a hearing will be held before a hearing officer or the board, which is charged with adjudicating the matter. If the finding is that the respondent is not responsible, the process ends. Applicable appeal options are described in section M of this policy.

3. Review and Finalize Sanctions.

If the student is found in violation of the University Community Standards Policy, sanctions will be determined by the hearing officer or board. The findings and sanctions will be communicated to the respondent. Applicable appeal options are described in section M of this policy.

4. Conflict Resolution Options

The Director of Community Standards has the discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review or appeal. Any unsuccessful conflict resolution may be forwarded for formal processing and hearing. The Director of Community Standards may also suggest that complaints that do not involve a violation of the *Community Standards Policy* be referred for mediation or other appropriate conflict resolution. The outcome of a mediation or other appropriate conflict resolution is binding and documented as a part of the student's community standards record.

5. Administrative Hearing Officers

Administrative Hearing Officers are chosen from a pool of annually trained administrators, staff members, and graduate students selected by the Director of Community Standards.

6. The Composition of the Board

The Director of Community Standards will be responsible for assembling the Board according to the following guidelines:

A. The membership of the board is selected from a pool of students, faculty, and staff appointed by the Vice President for Student Affairs and trained annually through the Office of Community Standards.

B. For each complaint, a board will be chosen from the available pool and is comprised of at least one student, one faculty member, and one staff member or administrator. The Director of Community Standards or designee will serve as the facilitator of the Board, who assures that Indiana University of Pennsylvania procedures and due process are followed throughout the hearing.

Appeal Boards are drawn from the board pool with the only requirement being that they did not serve on the Board for the initial hearing. Appeal Review Board members are trained annually through the Office of Community Standards. Appeal Boards will review appeal requests assigned by the Vice President for Student Affairs.

To serve in the board pool, students must be in good standing with the University and the Office of Community Standards. Good standing with the Office of Community Standards is defined as not currently being on any sanctions or having any incomplete sanctions or unresolved allegations with the Office of Community Standards. A serious history of misconduct will disqualify a student for service.

The Vice President for Student Affairs will confirm and appoint the membership of the Board on behalf of the President of the University.

The facilitator of the board is the Director of Community Standards or designee with responsibility for training the board, gathering and disseminating appropriate case information, and ensuring a fair process for the complainant and respondent.

Decisions and sanctions imposed by the board or hearing officer will be implemented pending the normal appeal process. The full appeal review procedure can be found in section M of this policy.

H. Formal Community Standards Process

Indiana University of Pennsylvania is the convener of every action under this code and the formal process is describe herein.

1. Amnesty
Individuals reporting violence being done against them, individuals offering assistance, and individuals reporting heinous behavior may be protected by Indiana University of Pennsylvania's Bystander Involvement (Medical Amnesty) Policy.

2. Notice of Alleged Violation

Any member of the Indiana University of Pennsylvania community, visitor, or guest may allege a policy violation by any student for misconduct under this *Code* by submitting a report via e-mail, IUP Web Site, phone, or in person at the contact information below:

Ruddock Hall, Room G-37
1090 Maple Street
Indiana, PA 15705
Phone: 724-357-1264
Student-Conduct@iup.edu
http://www.iup.edu/studentsupportandstandards

Reports of conduct allegedly in violation of this policy may be received through other additional means as appropriate.

Notice may also be given to the Dean of Students, any member of the Office of Community Standards, University Police, and/or to the Chief Diversity and Inclusions Officer and Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation regardless of whether a formal allegation is made or not. All allegations of misconduct should be submitted as soon as possible after the alleged offending event occurs. Indiana University of Pennsylvania has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent process.

3. Notice of Hearing

Once a determination is made that reasonable cause exists to refer a complaint for a hearing, a formal notice will be given to the respondent. Notice will be in writing and delivered via the University-issued email address. Other means of delivery may include delivery in person by the staff of the Office of Community Standards (or designee), delivery by mail to the local or permanent address of the student as indicated in official Indiana University of Pennsylvania records, or delivery by email to a non-University email address confirmed by the student as their personal email account. Once mailed, emailed, and/or received in-person, such notice will be presumptively delivered. The letter of notice will include the alleged violation and notification of where to locate the *Community Standards Policy* and Indiana University of Pennsylvania procedures for resolution of the complaint and direct the responding student to contact the Office of Community Standards to respond to the complaint. The letter of notice will also include a short summary of the allegations which supports the issuance of charges under the Community Standards Policy.

A meeting with a staff member of the Office of Community Standards may be arranged to explain the nature of the complaint and the community standards process. At this meeting, the respondent may indicate, either verbally or in writing, whether they admit to or deny the allegations of the complaint.

4. Hearing Procedures

a. Community Standards Hearing:
A hearing will be scheduled for any allegation with reasonable cause unable to be resolved through any informal process. In the event a hearing is scheduled, a respondent will be given a minimum of three calendar-days' notice prior to appearing before the assigned adjudicator or Board unless the student waives this notice.

The respondent may waive in writing their right to a Board hearing and accept one or more sanctions as determined by the adjudicator. The sanctions will reflect the severity of the current charges against the student as well as any previous disciplinary record.

b. General Guidelines for Community Standards Hearings
A hearing may be an Administrative Hearing or a Board Hearing. Guidelines used by hearing officers or Boards include:

1. If a hearing is scheduled, the respondent shall be provided with specific advance written notice of the alleged violations, the dates, times, and locations of the alleged violations, and a summary of the actions which led to the charges. Notification of charges against the respondent shall also include, but not be limited to, the following information:

   a. The date, time, and location of the hearing
   b. Whether the case will be adjudicated by a hearing officer or a Board
   c. Information regarding due process rights afforded the respondent prior to and during the hearing.

2. The respondent shall have their case heard by an impartial adjudicating body. Once an adjudicating body has been named, they may not publicly or privately discuss the merits of the complaint with anyone not involved in the proceedings, with the respondent themselves, or with anyone acting on the behalf of the respondent.

3. In situations where the original complainant is no longer available or cannot attend the hearing for unavoidable reasons, the University maintains the burden of proof and may serve as the complainant by proxy.

4. In the event a respondent, complainant, and/or witness is not able to be physically present at the hearing, they may participate via acceptable technological means including, but not limited to, telephone or video call.

5. The complainant will present the charges and relevant information and may ask questions of all hearing participants.

6. The respondent shall have a fair and reasonable opportunity to answer, explain, and defend themselves against charges presented at the hearing, to question the complainant and witnesses against them, to present information related to specific charges, and to call relevant witnesses to appear on their behalf. If the respondent intends to have witnesses present at the hearing, they must notify the Office of

Community Standards at least one business day prior to the hearing.

7. If the respondent chooses not to appear before the assigned adjudicator, their case will be adjudicated in their absence based upon the information related to specific charges presented at the scheduled hearing.

8. Witnesses will be asked to provide relevant information related to specific charges and to respond to questions from the complainant, the respondent, the hearing officer, and Board members. Witnesses are not permitted to ask questions of hearing participants except to clarify a question asked of them.

9. All hearings are closed except to designated and approved participants.

10. The students and witnesses may select an advisor to advise them during the community standards proceeding. The advisor may consult and interact privately with the student or the witness during proceedings. However, the advisor is not permitted to have a verbal role in the proceedings nor to represent or speak on behalf of the student.

11. At the hearing, if a respondent chooses not to testify, no inference may be drawn from the lack of testimony. A respondent's lack of testimony does not waive his/her right to ask questions of witnesses or call witnesses.

12. A hearing officer shall have the authority during proceedings to hold an individual in contempt. Contempt is defined as disorderly or disrespectful conduct by hearing participants and/or the intentional misrepresentation of facts. Individuals found to be in contempt may be removed from the hearing and students may be charged with additional violations of applicable policies.

13. The respondent shall receive a written account of the decision of the adjudicator setting forth with reasonable specificity the facts and reasons for the decision.

c. Procedures for cases adjudicated by Hearing Officers

1. A respondent may challenge the assignment of a specific hearing officer to their case. This challenge must be presented in writing to the Office of Community Standards at least two business days prior to the scheduled date and time of the hearing. Upon reviewing the details of the challenge, the Director of Community Standards or designee will either uphold the challenge, appoint an alternate hearing officer, and arrange a new hearing time or deny the challenge.

2. A hearing officer will withdraw from adjudicating any case when they cannot be impartial and reach a fair and objective decision.

3. The hearing officer will review all material, hear all information relevant to specific charges pertinent to the case from the complainant, the respondent, and all witnesses, clarify issues raised and render a decision based on the information presented at the hearing.

4. Following the hearing, the hearing officer will schedule a time to meet with the

respondent (if possible) to issue a decision, and, if the student is found to be in violation of any University policy or regulation, issue one or more sanctions. This information is also presented to the student in writing.

5. If the respondent is found to be in violation of any University policy or regulation, all materials within the student's past and present student record will be used to determine appropriate sanctioning.

d. Procedures for cases adjudicated by the Board

1. Any respondent appearing before a Board may challenge the presence of any member of the board. Upon hearing the details of the challenge, the Board will, by majority vote (challenged member not voting), either uphold or deny the challenge.

2. A Board member will withdraw from participating in any case in which the member is unable to be impartial and reach a fair and objective decision.

3. The Board will review all materials and hear all information relevant to the specific charges pertinent to the case from the complainant, respondent, and all witnesses. Members of the Board shall be free to ask relevant questions to clarify the information presented.

4. A Board hearing will be digitally recorded by the University and the recording will be retained at the University in accordance with the records and recordkeeping policy. Under no circumstances are other individuals permitted to record hearings.

5. After hearing all the information relevant to specific charges, the board will privately deliberate and make its decision and, if necessary, determine appropriate sanctions.

6. If the respondent is found to be in violation of University policy or regulation, all materials within the student's past and present student record may be used to determine appropriate sanctions.

7. Upon the conclusion of the hearing, the Director of Community Standards or designee will schedule a time, if possible, to meet with the respondent to communicate the board's decision and, if the student is found to be in violation of University policy or regulation, to communicate the sanctions. This information is also presented to the student in writing.

In cases where the Board recommends expulsion as the appropriate sanction, the Director of Community Standards or designee will recommend the sanction in writing to the Vice President for Student Affairs or their designee within three calendar days. The sanction will be reviewed by the Vice President for Student Affairs or their designee before finalized. Any appeals of an expulsion are directed to the President or their designee.

I. Interim Action

In a situation where it is determined that a continuation of the present circumstances presents a potential danger to the health, safety, or welfare to self, other students, or the University

community, the Vice President for Student Affairs, the Dean of Students, or their designee may implement an interim action. The interim action will remain in effect pending final disposition of the case. Interim actions may include, but are not limited to, temporary removal from the University community, temporary suspension of the right to access specific areas of campus, and other temporary suspensions of student's rights and accesses.

After the interim action is implemented, the following process will commence:

1. As soon as possible but within 10 working days of issuance of the interim action, unless circumstances warrant an extension (to be approved by the Vice President for Student Affairs, the Dean of Students, or designee), a hearing will be conducted to adjudicate the allegations.

2. If the interim action is not upheld upon the outcome of the hearing, the interim action will no longer be in effect. The student will be allowed a reasonable opportunity to make up academic work missed during the time of the interim action. It is the responsibility of the respondent to make arrangements with faculty members for completing missed work.

3. When an interim action has been implemented, upheld by a hearing, and appealed by the student, the interim action will remain in effect until an appeal outcome has been reached.

4. When circumstances outside the control of the University make it impossible to complete the prompt adjudication of a case involving an interim action, the Vice President for Student Affairs or designee may initiate an administrative withdraw and require the student to complete the readmission and reenrollment process through the Office of the Registrar to attend in subsequent semesters.

Indiana University of Pennsylvania reserves the right to exercise its authority of interim action upon notification that a student is facing criminal investigation and/or complaint.

J. Sanctions

Sanctions are assigned to meet specific learning and developmental outcomes to assist students to understand the impact of their actions and to hold them accountable for their conduct. Sanctions are also assigned with the intent of improving upon a student's success at the University by acquiring new skills and promoting growth in various dimensions of moral and ethical development. Any sanctions will be proportionate to the severity of the violation of the Community Standards Policy and to the cumulative behavioral history of the student.

Any assigned sanction may be stayed from implementation for a specified period as determined by the hearing officer or Board. Any subsequent proven violation of University policy, rule, regulation, or law may cause the stay to be lifted and the assigned sanction implemented with immediate effect. The sanction will not be lifted until the date indicated by the hearing officer or Board or the date upon which the student successfully completes all assigned sanctions, whichever comes last. A hearing officer or Board may impose one or more sanctions from the sanctions listed below.

1. **Disciplinary Warning**: A written warning may be given to the student indicating they have been found to be in violation of the Code, a University policy, or regulation and that failure to comply with a University Code, policy, or regulation in the future may result in referral to the Office of Community Standards to be handled as a second offense. A notation is made on the student's record.

2. **Disciplinary Probation**: Disciplinary Probation is an indication that a student's status at the University is seriously jeopardized. During the probationary period, if the student is found to be in violation of the Code, University policy, or regulation, a more serious sanction may be levied, including possible suspension or expulsion from the University. Disciplinary Probation is in effect for a specific period.

3. **Community Reparations:** Community Reparations are tasks which benefit the individual, campus, or community.

4. **Educational Task:** Examples of educational tasks include, but are not limited to, essays, educational workshops provided by the University or outside entities, participating with staff in community development initiatives, apology notes, etc. The student will be required to submit proof of completion of the educational task from a source deemed appropriate by the University.

5. **Disciplinary Removal from University Owned/Operated Housing**: This condition removes a student from University owned/operated housing facilities on either a temporary or a permanent basis.

6. **Loss of Eligibility for University Owned/Operated Housing**: The student, whether currently living in University owned/operated housing facilities or not, is denied future eligibility for University owned/operated housing on a temporary or permanent basis.

7. **No Visitation in University Owned/Operated Housing/Facilities**: This condition prohibits a student from being present within University owned/operated housing or other designated facilities for any purpose for a specific time period.

8. **Restitution**: A student may be required to pay for damages to property, including but not limited to, personal and University/Co-op property, and/or for personal injury. Payment will be made under guidelines determined by the Office of Community Standards.

9. **Fine**: A student may be billed an amount of money as determined by the hearing officer or Board.

10. **Other:** Recommendations may also be made for participation in mediated no contact agreements, assignment to a trained mediator, mentoring in lieu of suspension, and other appropriate remedial and educational interactions.

11. **Suspension**: A student may be suspended from the University for a specific period. A suspension requires that the student remove themselves from the University and any University owned or operated entities, buildings, or properties. They are not permitted to attend classes, social activities, or to be present on University property during the period of

suspension.

12. **Expulsion**: A recommendation may be made to the Vice President for Student Affairs or their designee that a student is expelled from the institution. Expulsion from the University is permanent dismissal. The Vice President for Student Affairs or designee shall endeavor to respond to the respondent in writing regarding the recommendation of expulsion within five calendar days of receiving it. Any appeals of an expulsion are directed to the President or designee.

K. Notification of Outcomes

The outcome of a campus hearing is part of the educational record of the respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Pursuant to the Family Educational Rights and Privacy Act and the Drug Free Schools and Communities Act, the Office of Community Standards may send written notice to the parents and/or legal guardians of a student under twenty-one years of age who is found to be responsible for violating any state or local laws pertaining to possession, consumption, or inappropriate sale of any alcoholic beverages or controlled substances.

Parents and/or legal guardians may be notified in cases where Indiana University of Pennsylvania determines through the community standards process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense. FERPA defines "crimes of violence" to include arson, assault offenses (including stalking), burglary, criminal homicide, manslaughter by negligence, murder, non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, and non-forcible sex offenses.

L. Failure to Complete Sanctions

All students, as members of the Indiana University of Pennsylvania community, are expected to comply with sanctions within the time frame specified by the Board or Hearing Officer. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional charges.

M. Appeal Review Procedures

1. Grounds for Appeal:

Upon receiving notification of the outcome of a hearing, a respondent and complainant may appeal in writing for any of the following reasons:

a. Procedural error that likely impacted the hearing outcome. This may include a demonstrated bias or conflict of interest against the respondent or the complainant which impacted the outcome. The appellant is responsible for demonstrating the bias or conflict of interest.

b. Newly discovered information for which there is a legitimate reason this information could not have been presented at the original hearing.

c. An allegation that the sanctions issued were arbitrary and capricious. The appellant must demonstrate in the appeal that there had been a clear error of judgment. The appellant must show the decision was not based upon consideration of relevant factors, reason, or judgment and was an abuse of discretion or otherwise not in accordance with the Community Standards Policy.

2. Appeal Procedures:

The individual submitting the appeal must present a written request that specifically articulates one or more reasons for appeal from the grounds listed above to the Office of and Community Standards within five (5) calendar days of notification of the hearing decision. The five (5) day requirement may be waived where extenuating circumstances prevail and only if the grounds for appeal are met. The individual submitting the appeal must include in the written appeal the reason for the appeal and all the supporting facts. Appeals cannot be submitted by a third party on behalf of the respondent or the complainant. An appeal is not a rehearing of the matter and will not have merit simply because the person submitting the appeal disagrees with the outcome.

Once the appeal has been received, the Director of Community Standards will conduct an initial review to determine if the appeal request meets the limited grounds and is timely.

If the appeal is denied on the grounds of merit, The Director of Community Standards will draft a response memorandum to the appellant based on the determination that the request will be granted or denied and why. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.

If the appeal has merit and is timely, the appeal will be forwarded to the Vice President for Student Affairs or designee for review.

In cases that do not involve interim action, once an appeal is filed all sanctions are placed on hold with the exception of any sanction prohibiting contact with another individual.

The Vice President for Student Affairs or designee may assign an Appeal Review Board to hear the appeal.

Appeals of expulsion must be submitted to the President or designee through the Office of the Vice President for Student Affairs. The President will respond to a respondent in writing regarding the appeal of an expulsion decision.

If the appeal is granted, the Appeal Review Officer determines whether to revise the sanctions, refer the appeal to the Appeal Review Board, or to remand it for a new hearing, either to the original decision-maker or a new board. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new board will be constituted to reconsider the matter, which can, in turn, be appealed once. Full re-hearings by the Appeal Review Board are not permitted. The Appeal Review Board must limit its review to the challenges presented.

On reconsideration, the new board or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural errors should

be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative record.

All decisions of the Appeal Review Board should be made within ten (10) calendar days of submission to the Board. If this timeline is not obtainable, it may be further delayed with the approval of the Vice President for Student Affairs. Decisions of the Appeal Review Board are final, as are any upheld decisions made by the original hearing body as the result of reconsideration consistent with instructions from the Appeal Review Officer.

All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision. This response usually occurs within 10 calendar days of the appeal being filed.

3. The Appeal Review Board

The Appeal Review Boards are drawn from the board pool with the following requirements to serve:

a. they did not serve on the Board for the initial hearing,
b. they were not involved in the investigation in any way,
c. they have been properly trained in appeal procedures.

The Vice President for Student Affairs or designee will have final authority to approve all those serving on the board.

The presumptive stance of the University is that all decisions made and sanctions imposed by the original decision-maker are to be stayed during the appellate process except in cases where interim action were implemented.

Appeals are not an opportunity for appeal board members to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeal decisions are to be deferential to the original decision-maker, making changes to the sanction only if there is a compelling justification to do so.

N. Disciplinary Records

The Office of Community Standards will maintain student records which contain all necessary and appropriate documents related to community standards matters. Material deemed unnecessary may be discarded at any time.

Student records will be maintained for seven years in accordance with the University record policy. Other circumstances outside the community standards process may require retention of the record for a longer period including a directive to retain records issued by University Legal Counsel from the Office of the Chancellor. Cases resulting in expulsion may be retained for a longer period.

The University will not release a student's records without the written consent of the student. The only exceptions to this guideline are those outlined in the Family Educational Rights and Privacy Act of 1974. The Office of Community Standards cannot guarantee confidentiality but will maintain a student's privacy to the greatest extent possible.

O. External Non-Disclosure

A student may apply to have their disciplinary record marked as non-disclosable to external entities by submitting a written request to the Office of Community Standards. In order to qualify for this designation, a student's record must not include expulsion, suspension, or any behavior that is violent in nature. Additionally, cases involving charges from the IUP Sexual Discrimination and Sexual Misconduct Policy are not eligible to be marked as non-disclosable to external entities. The student must have completed all sanction requirements and at least one calendar year must pass since the incident date of the student's most recent violation in order for the student to be eligible to apply.

The Director of Community Standards or designee may schedule a meeting with the student applying for an external non-disclosure. The final decision will be documented in a letter from the Director of Community Standards to the student.

If approved, the University will not disclose a student's disciplinary record to external entities except as required by law or as directed by a student via an appropriate written consent with specific instructions to the University to release the disciplinary record.

If denied, a student may re-apply to have their disciplinary record marked as non-disclosable to external entities. A student maintains the right to appeal the decision of the Director of Community Standards to the Dean of Students.

P. Interpretation and Revision

Procedural rules for the administration of hearings will be developed that are consistent with provisions of the *Community Standards Policy*. A material deviation from these rules will, generally, only be made as necessary and may include reasonable notice to the parties involved either by posting online and/or in the form of written communication. Procedures may vary with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. Minor modifications to a procedure that do not materially jeopardize the fairness owed to any party may be made at the discretion of the Director of Community Standards as appropriate. Any question of interpretation of the *Community Standards Policy* will be referred to the Vice President for Student Affairs, whose interpretation is final.

The Community Standards Policy and related Policies and Procedures shall be reviewed at least every three years. The Community Standards Policy and related Policies and Procedures shall be updated as necessary to comply with applicable law, policy, or regulation. The review process shall be coordinated by the Vice President for Student Affairs or designee.

DISTRIBUTION:	Distribution Code	Description
	A	All Employees All Students